

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>POWER GOURMET CONCEPTS, INC. and MORE THEN GOURMET, INC.,</b>	:	<b>CIVIL ACTION NO. 1:09-CV-1199</b>
	:	
	:	<b>(Judge Conner)</b>
<b>Plaintiffs</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>IRWIN &amp; MCKNIGHT and DOUGLAS MILLER,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 13th day of December, 2010, upon consideration of the report of United States Magistrate Judge Thomas M. Blewitt (Doc. 24), recommending that defendants' motion for summary judgment (Doc. 15) be denied, and, following an independent review of the record and noting that defendants filed objections<sup>1</sup> to the report on October 15, 2010 (Doc. 25), and the court finding Judge Blewitt's analysis to be thorough and well-reasoned, and the court finding defendants' objections to be

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

without merit and squarely addressed by Judge Blewitt's report (Doc. 24), it is hereby

ORDERED that:

1. The report of Magistrate Judge Blewitt (Doc. 24) is ADOPTED in its entirety.
2. Defendants' motion for summary judgment (Doc. 15) is DENIED.
3. This matter shall be scheduled for trial by future order of the court.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge